

ORDINANCE NO.840419-K

AN ORDINANCE AMENDING THE PUBLIC REVIEW PROCESS ESTABLISHED BY AUSTIN CITY ORDINANCE NO. 811204-B, AS AMENDED, FOR DEVELOPMENT HAVING THE POTENTIAL TO OBSTRUCT THE VIEW OF THE CAPITOL OF THE STATE OF TEXAS; INCLUDING WITHIN SUCH REVIEW PROCESS DEVELOPMENT IN CERTAIN DEFINED CAPITOL VIEW CORRIDORS; REQUIRING CERTAIN ADDITIONAL INFORMATION IN RELATION TO PROJECTS WITHIN CAPITOL VIEW CORRIDORS; PROVIDING FOR HISTORIC LANDMARK COMMISSION PARTICIPATION IN REVIEW OF PROJECTS SUBJECT TO THIS ORDINANCE; REQUESTING CONTINUED STUDY AND FURTHER RECOMMENDATIONS ON CAPITOL VIEW PRESERVATION FROM THE DOWNTOWN REVITALIZATION TASK FORCE; PROVIDING FOR APPLICABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Austin City Council did heretofore pass and adopt Ordinance No. 811204-B which established a public review process as a prerequisite to the issuance of a building permit for any structure in the downtown area exceeding 60 feet in height; and,

WHEREAS, such review process was established for the purpose of protecting and preserving the views of the Capitol of the State of Texas, and was adopted as an interim measure pending through review and study of alternatives for achieving Capitol View preservation by the Downtown Revitalization task Force; and,

WHEREAS, the Downtown Revitalization Task Force has made interim reports and recommendations which have, among other things, identified certain "Capitol View Corridors" representing the remaining significant views of the State Capitol; and,

WHEREAS, the City Council finds it to be in the public interest to amend the public review process heretofore established so as to include development in the identified Capitol View corridors within its purview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That PART 2 of Ordinance No. 81-1204-B, as amended, be and is hereby amended to read as follows:

A written description and conceptual plan of any structure in the "Downtown Area" or in a "Capitol View corridor", as those terms are hereinafter defined, which will exceed the height of 60 feet shall be forwarded to the Director of the Office of

Land Development Services no later than 90 days prior to the filing of an application for a building permit for such structure. The Director of the Office of Land Development Services shall set such plan for review by the Planning Commission no later than four weeks from the date twenty-two copies of the written description and conceptual plan are received by the Director. The written description and conceptual plan shall include the following:

- a. Site Plan showing:
 - 1. lot and dimensions
 - 2. approximate location of structure(s) and adjacent buildings
 - 3. approximate location of points of egress and ingress for vehicles and pedestrians
- b. Conceptual schematic elevation(s) for any buildings, showing or describing:
 - 1. height and massing
 - 2. fenestration and materials
 - 3. color
- c. Description of building program including:
 - 1. extent and location of uses, if known
 - 2. contemplated parking requirements and provisions
 - 3. energy conservation/efficiency considerations
 - 4. conceptual ground floor plan
- d. Anticipated requests for zoning changes, variances, licenses or permits.
- e. For structure in "Capitol View Corridors" only:
 - 1. a map showing the proposed project, the viewpoint, the Capitol, and the view corridors boundaries,
 - 2. a cross section from the affected viewpoint through the review site to the Capitol, showing the proposed structure and the sightline from the Capitol viewpoint to the Capitol,

3. height to the proposed structure and all projections,
4. mean sea level (ground level) elevation at all foundation edges,
5. photographs or slides of the Capitol from the viewpoint in question,
6. photographs, slides, or perspective drawings of the project from the viewpoint in question, representing the impact of the proposed structure on the affected Capitol view,
7. calculations of the allowable view protection building heights for the proposed project according to the "Capitol View Preservation Height Calculation formula."

Basic information such as maps, ground elevations and the method and data for calculating the "Capitol View Preservation Height Calculation Formula" shall be made available at the Office of Land Development Services. The review by the Planning Commission shall be a public hearing. The Planning Commission shall consider the proposed structure's visual and design compatibility with the State Capitol and the effect of the structure on air circulation, heat generation and traffic circulation. The Planning Commission shall specifically consider the impact of the proposed structure on Capitol views. The Historic Landmark Commission may make a recommendation to the Planning Commission on any project subject to this ordinance and, if the Historic Landmark Commission makes such recommendation, the Planning Commission shall consider the recommendation of the Historic Landmark Commission as well as the report of the Office of Land Development Services staff which shall be considered in all cases. At the close of the hearing, the Planning Commission shall make its recommendation and such written comment as is deemed appropriate and cause the same to be included in the review package for the various City departments which must approve a building permit application for such structure. In the event of negative recommendations by both the Historic Landmark Commission and the Planning Commission, the applicant must present the proposal to the city Council for review prior to the filing of an application for a building permit. No application for a building permit shall be deemed valid and the Building Official shall not accept such application or issue a building permit for any structure subject to this Ordinance unless and until the applicant complies with this Ordinance. No building permit application shall be accepted nor shall any building permit be issued prior to the end of the 90 day review period which begins with submission of the written description and conceptual plan of the structure unless (1) the City Council waives the remainder of the 90 day

period by ordinance or (2) the Director of the Office of Land Development Services administratively authorizes a waiver of the remainder of the 90 day period upon affirmative recommendation by both the Historic Landmark Commission and Planning Commission.

PART 2. That PART 3 of Ordinance No. 81-1204-B, as amended, ~~be and~~ is hereby re-designated as PART 3(a). Further, that a new PART 3(b) be and is hereby added to Ordinance No. 81-1204-B, as amended, to read as follows:

For the purposes of this Ordinance, the "Capitol View Corridors" are identified on the maps attached hereto and made a part hereof as Exhibit "A".

PART 3. WHEREAS, the need to protect and preserve the remaining views of the State Capitol creates an emergency calling for immediate action to preserve the order, health, safety and general welfare of the public, which emergency requires the suspension of providing for the reading of an ordinance on three separate days, and requires that this Ordinance become effective immediately upon its passage, therefore the rule requiring the reading of ordinances on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

April 19, 1984

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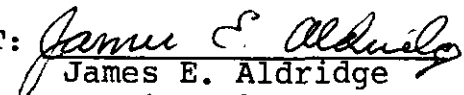
Ron Mullen
Mayor

APPROVED:



Paul C. Isham
City Attorney

ATTEST:



James E. Aldridge
City Clerk

WMC:saf

